

**ANDERSON TOWNSHIP ZONING COMMISSION
JUNE 26, 2023**

The Anderson Township Zoning Commission held a regular meeting, duly called, on June 26, 2023, at 5:30 P.M. Present were the following members:

Ben Henson, Chair, Jonathan Gothard, Vice Chair, Jay Lewis, Anne McBride, Brian Elliff

Also present when the meeting was called to order were Paul Drury, Director of Planning and Zoning and Sarah Donovan, Assistant Director of Planning and Zoning. A list of citizens in attendance is attached.

Mr. Henson welcomed everyone and reminded all to sign in at the front of the doorway.

Approval of Agenda

Mr. Lewis moved, **Mr. Gothard** seconded, to approve the agenda for tonight's meeting with no changes. **A unanimous vote was taken: 5 yeas**

Approval of Minutes

Mr. Lewis moved, **Mr. Gothard** seconded to approve the minutes from May 22, 2023 Zoning Commission hearing with one edit to page 14.

A unanimous vote was taken: 5 Yeas

Mr. Henson swore in all those who wished to testify for **Case 1-2020 PUD Major Adjustment**.

CASE 1-2020 PUD MAJOR ADJUSTMENT (Continuation)

Mr. Drury stated that this is a continuation of Case 1-2020 PUD Major Adjustment and read the staff report for an application filed by J Christopher M. Starke of WT Group, on behalf of Clous Anderson, LLC, property owner, located at 1240 and 1246 Nagel Road (Book 500, Page 121, Parcel 158), zoned "E-PUD" Retail Business.

Mr. Drury stated the applicant is requesting a Major Adjustment to the Planned Unit Development approved with Case 1-2020 PUD to construct a 5,630 sq. ft. building for the purpose of a car wash, with landscaping, lighting, stacking spaces, parking spaces and detention basin.

Mr. Drury stated the tract is a net area of 2.43 acres, with approximately 132' on Nagel Road, the topography on the site is nearly flat, the existing use is a parking lot/vacant land.

Mr. Drury stated that the applicant is proposing to construct a 5,630 SF automatic car wash building, stacking area, vacuums, parking, landscaping, lighting, detention area and new signage.

Mr. Drury stated that the five former office buildings were constructed in 1982.

Mr. Drury stated that an addition to the pole sign (located on Beechmont, adjacent to the driveway

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accessing Anderson Pub and Grill and retail center) was approved in 1989, size 8' x 17', 6". In 1990 the existing free-standing sign was approved for alterations, size 6' x 17', 6". From 1989-2000 various permits for face changes to the existing pole sign were approved. This pole sign, while advertising the office buildings, was not located on that parcel.

Mr. Drury stated that the five former office buildings were demolished in 2018. New addresses were assigned in 2020; from 8070 Beechmont Avenue to 1240 Nagel Road for Lot #1 and 1246 Nagel Road for Lot #2.

Mr. Drury stated that Case 1-2020 PUD was approved by the Zoning Commission on February 24, 2020, for the construction of a 10,000 SF Medical Office Building on Lot #1 and an 11,775 SF Day Care with an outdoor playground on Lot #2. The approval also included a 20' panhandle connecting to Nagel Road, 82 parking spaces, an ISR of 64% and a landscaping plan compliant with the Anderson Township Zoning Resolution. It was never constructed and has been used as overflow parking for adjacent businesses.

Mr. Drury stated that the Zoning Commission heard Case 1-2020 PUD Major Adjustment for Carriage Carwash on May 22, 2023. The Zoning Commission moved "to continue Case 1-2020 PUD Major Adjustment, for the property located at 1240 and 1246 Nagel Road with the public hearing in progress for additional information from the applicant and compliance with the Zoning Resolution."

Mr. Drury stated that the Zoning Commission is reviewing the application because the proposed development will have an impervious surface ratio greater than 60%, which triggers the PUD overlay and the standards found in Article 4.1 of the Zoning Resolution.

Mr. Drury stated that the applicant's proposal is to develop the entirety of the parcel for the use of a carwash, including vacuums, parking, landscaping, lighting and detention basin. In addition, the property has several cross-access areas to adjacent properties, as well as parking spots behind the rear of adjacent properties which are currently in use. Staff recommends that cross access easements and shared parking agreements be recorded and submitted prior to a zoning certificate being issued if approved. **The applicant has submitted cross access easements that have been recorded. The cross access easements are also identified on the plan.**

Mr. Drury stated that the proposed development is non-compliant with the following articles of the Anderson Township Zoning Resolution:

Article 3.14, C, 2, a, Lot and Yard Standards: The submitted plans do not show the right-of-way to Nagel Road nor the required setback from this right-of-way line, so staff is not able to determine if the site plan is compliant with setbacks. **The applicant has submitted plans which show the varying right of way, as well as the 30' required setback.**

Article 5.3, D, 2, c, Sidewalks Along a Public Street: There is an existing sidewalk along Nagel Rd on the site, which has not been identified on the plan sheets. With proposed landscaping in the vicinity of where it is located, staff recommends that plans be resubmitted to show the sidewalk. There also needs to be a connection provided from the existing sidewalk to the interior of the site. **The applicant has submitted plans which now show the existing sidewalk along Nagel Road, however, a connection from the Nagel sidewalk into the site is not provided. The plan does show 5' wide striping across the stacking spaces to the vacuum area.**

Article 5.3, D, 4, Parking requirements for Physically Disabled: while ADA spots are marked, details for signage were not provided and are required. **Details for ADA signage have been provided.**

Article 5.3, D, 9, General Design Requirements for Parking and Loading Areas: The applicant must provide two bicycle parking spaces with locking accommodations and placed within reasonable access to the main entrance. **Compliant.**

Article 5.3, D, 8, Dumpsters & Trash Handling Areas for Non-Single-Family Districts: Elevations were not provided for the dumpster enclosure. **Dumpster enclosure and Vacuum enclosure elevations have been provided.**

Article 5.3, G, 2, Alternative Parking- Shared Parking: There are existing parking spaces on the property which are used by adjacent commercial buildings. These parking spaces are proposed to remain and similarly to the cross-access easements, staff believes that shared parking agreements need to be recorded before zoning certificate approval is given. **The cross access easements submitted by the applicant include a shared parking agreement and has been recorded.**

Article 5.3, K, Lighting For Non-Single Family Uses: The lighting plan submitted is not in compliance with the Zoning Resolution. The requirements are for 0.50 foot-candles adjacent to an office district, 0.75 foot-candles adjacent to a retail district, and .10 foot-candles to a residential district. **The applicant has submitted a new lighting plan, however is still showing footcandles over 0.10 at the property line adjacent to a residential district, and over 0.50 adjacent to an office district. The foot-candles should be extended to the property line to determine compliance.**

In addition, the maximum height for light poles allowed is 24 feet, and the submitted application has lights being mounted higher than 24'. Staff recommends that a new lighting plan be submitted in compliance with the Anderson Township Zoning Resolution. **The mounting height is listed on the new plan at 24' and under.**

Article 5.5, Signage: The applicant is proposing one monument style sign on Nagel Road. The proposed sign is of similar style to surrounding signs and is being proposed at under 10' high. The applicant's site was previously owned by Comboni Missionaries, who remain the owners of the Anderson Retail shopping center to its south, at 8080 Beechmont Avenue. In 1989, Comboni

Missionaries constructed a free-standing sign to advertise for the previous office park on the applicant's site. This free-standing sign is nonconforming.

Article 5.5, G, 1, a: One free-standing sign is permitted per premises in "O", "O-1", "OO", "E", "EE", "H", "ID", "FF", and "GG" Districts only, except that on premises with developed property having more than 400 feet of street frontage, additional signs are permitted on a single premise subject to a maximum of one free-standing sign for each 400 feet of street frontage or part thereof and a minimum distance of 175 feet between signs.

The Anderson Retail Center on Beechmont Avenue, owned by Comboni Missionaries, has two free-standing signs on a property with 156' of street frontage, where 400' is required. Also, the free-standing sign is 29' in height and has 264 SF of surface area, where 15' in height and 100 SF of surface area are the maximums. These signs are nonconforming.

The applicant has stated that "we have an agreement in principle and are working to finalize details and put the agreement to paper" to use the sign on Beechmont Avenue. The Beechmont sign is not under consideration with this PUD request as it is located on a separate parcel and under separate ownership. Staff is also of the opinion that the sign is considered off-premise for the PUD in question. The applicant is proposing to modify the look of the sign, but not the height.

Mr. Drury stated that in addition to compliance with the Township's Zoning Resolution, the development is also being reviewed in light of adopted plans for this area, such as the Anderson Plan, the Anderson Trails and Walkways Plan, the Beechmont Plan and the Anderson Township Design Guidelines.

Mr. Drury stated that the proposal is consistent with the goals and objectives of the Anderson Plan and its recommendations for enhancing economic activities.

The Future Land Use classification identifies the site for General Mixed Use, which is defined as Community and regional oriented businesses, offices, and services that are located primarily along major thoroughfares. These uses may be located in individual-user buildings, multi-tenant buildings, or mixed-use buildings. Buildings are encouraged to be located close to the road with the majority of parking located to the side and rear of buildings. Residential uses may be located in mixed-use buildings but should only be located on the second floors or higher or behind nonresidential buildings. The proposed use meets this description.

The application is consistent with the following Goals of the Anderson Plan:

Economic Vitality: The Township should attract a variety of businesses to meet changing demographics and market demands. With a focus on an expanded tax base with an increasing amount of land developed for a mixture of non-residential uses, this will attract new businesses and promote and retain existing businesses.

Land Use and Development: Anderson Township will be a well-planned community with a mixture of

parks, recreational uses, residential neighborhoods, commercial centers and an industrial base balanced with agricultural uses.

Land Use and Development Initiatives: The Township will undertake economic development activities to help fill any vacant storefronts and businesses. The site has been vacant since 2018.

Mr. Drury stated Beechmont Sidewalks: The Township is actively involved in the construction of sidewalks and other paths along the Beechmont corridor to help improve pedestrian safety and accessibility.

An existing sidewalk is located along the frontage of Nagel Road. No connections are proposed from the existing sidewalk into the site.

Mr. Drury stated that the proposal is consistent with the following elements of the Anderson Design Guidelines:

Site Planning: Upgrading visual character and sense of human scale in spaces through particular attention to architecture, site planning, signage, landscaping, and lighting.

Landscaping: Incorporate appropriate plantings that are in scale with their surroundings. Separate roadways from commercial development by attractive landscape planter strips.

Mr. Drury stated that the proposal is inconsistent with the following elements of the Anderson Design Guidelines:

Architecture: The submitted elevations describe a stucco like material and masonry wall primarily being used on the building. Staff is of the opinion that a mixture of materials be used to not just give the appearance of what the applicant is describing, but to fit the character of the neighborhood as well. This development is providing a transition from Beechmont Avenue to the residential area along Nagel and should reflect as such. **The applicant has submitted new elevation drawings, including the building, dumpster and vacuum enclosures. All three are of similar materials, labeled as masonry, standing seam metal and brick banding.**

Site Planning: Encourage increased walking and bicycling by providing safe, attractive, interconnected facilities. Pedestrian and vehicular connections between parking lots and driveways on adjacent parcels should be provided wherever feasible to minimize turning movements onto major roadways. Internal connections should provide safe, direct access while discouraging vehicular shortcuts. Cross-access easements should be provided as required to facilitate circulation and anticipate future connections. **The applicant has shown the sidewalk along Nagel, however, still needs to provide the internal pedestrian connection.**

Lighting: Provide appropriate levels of lighting to ensure visibility and safety in both pedestrian and vehicular areas while avoiding over-illumination.

Mr. Drury stated that the site borders Neighborhood Four and falls within Neighborhood Five of the Beechmont Plan.

The proposed development achieves the following of the Beechmont Plan:

- Parking Lot connections between neighboring properties
- Street trees and landscaping
- Landscape areas and trees within parking lots

Mr. Drury stated that staff recommends approval based on the Planned Unit Development evaluation criteria (Article 4.1, G):

1. The proposed carwash development is consistent with "E" Retail districts.
2. The application is consistent with the Vision and Goals of the Board of Trustees as outlined in the adopted Anderson Plan.
3. The use (carwash) is compatible with surrounding retail and office land uses.
4. The size and physical features of the project area enable adequate protection of surrounding property and orderly and coordinated improvement of property in the vicinity of the site.
5. No proposed phasing was submitted.
6. The proposed development is serviced adequately and efficiently by essential public facilities and services, which are in existence on Nagel Road and Beechmont Avenue.
7. There are no scenic or historical features, as identified or contained in plans duly adopted by the Anderson Township Board of Township Trustees and Hamilton County Regional Planning Commission, which would not be conserved.
8. Design plans submitted have not provided enough detail to warrant modifications to zoning or other regulations. The staff recommends that more detail design plans are submitted to confirm the proposal meets Anderson Township Design Guidelines and the Beechmont Plan.
9. The adequacy of the proposed pedestrian circulation system does not insulate pedestrian circulation from vehicular movement. The applicant did not provide a sidewalk connection from the existing sidewalk on Nagel Road into the proposed development.
10. The proposal does not include provisions for visual and acoustical privacy.
11. The development does not include dedicated open space, however the ISR appears less than the previous office development.
12. The development will not be detrimental to the present and potential surrounding uses.
13. The development is consistent with recommendations from Township, County, State and/or Federal agencies.
14. The development is consistent with the Vision and Goals as adopted by the Anderson Township Board of Trustees.
15. The development provides adequate protection of natural features on the property, including but not limited to, land over 20% slope, flood-plain and wetland areas, areas permanently inundated by water, and areas protected by the Ohio Department of Natural Resources.

Mr. Drury stated that if approved, staff recommends the following conditions:

1. The property of 1240 and 1246 Nagel shall be limited to the proposed free-standing signage on Nagel Road, with a maximum height of 10'. No additional freestanding signage shall be permitted for this property.
2. That a lighting plan in compliance with the Anderson Township Zoning Resolution shall be submitted for approval.

3. That the submitted plans shall be revised to show a sidewalk connection to the proposed building.
4. That the submitted plans be revised to provide an ISR calculation.

Mr. Elliff asked if they were required to put in landscaping along the property line to Goddard, Mr. Drury replied no, but that they are proposing additional landscaping since it was discussed at the last meeting.

Mr. Gothard asked if the offsite sign is part of the request tonight. Mr. Drury replied that it is considered an off premise sign and is not part of the PUD application for tonight.

Mr. Lewis asked about the impervious surface ratio and if anything has been submitted by the applicant. Mr. Drury replied that they have not submitted an ISR.

Ms. McBride asked if they were to pursue the off-premise sign, if it would need to go to the Board of Zoning Appeals. Mr. Drury replied that yes, staff has notified the property owner of the sign, that the sign should come down because the buildings were torn down, however, they have challenged the letter staff sent. He stated that it would be an argument that our lawyer will have to look into, but that it is not part of the PUD.

Mr. Henson asked if detention would be permitted in the front, Mr. Drury replied yes, that it would be permitted.

Chris Starke, WT Group, project manager, stated that they have added a sidewalk across the front of the site, as well as a bike rack. Mr. Starke added that the detention moved from the rear to the front, but in this case, it made more sense to move it to the front and will be landscaping in compliance with the Zoning Resolution, as well as landscaping along Goddard.

Ms. McBride asked what the hours of the car wash would be. **Charn Jackson, VP of Real Estate for Tire Discounters**, and stated that they will be locally own and operated. He stated the hours will be 7:30am to 8pm at night. McBride asked if lights can be dimmed near closing. He replied yes. Ms. McBride asked about the noise and sound from the carwash. He replied that this is a high-end car wash and that the equipment being used in the carwash is less noisy. He stated that they also have barriers to reduce noise from people entering and exiting.

Mr. Lewis asked if the vacuums can be used after 8pm. Mr. Jackson replied that no they cannot, but that they are free with a carwash and they shut down when the carwash is off.

Mr. Lewis asked if there will be staff on site. Mr. Jackson replied that there is a staffed pay station and a control station, he stated on a busy day there will be 4-5 people on site.

Mr. Gothard asked if there is a towel hut on this site. Mr. Jackson replied that it was a recent business decision to no longer provide towels as people were throwing them away, when they are reusable.

Mr. Henson asked about the materials of the building. **Mr. Jackson** replied that it will be CMU and brick product.

Ms. McBride asked if the CMU is painted or integral, he replied integral.

Mr. Lewis asked about the addressing for the site. **Mr. Drury** replied it was given two addresses during the original PUD application and it will stay a Nagel address, not Beechmont according to Hamilton County.

The public hearing was closed at 6:00 PM

DECISION

Ms. McBride moved, Mr. Gothard seconded to approve Case 1-2020 PUD Major Adjustment, for the property located at 1240 and 1246 Nagel Road, Carriage Carwash, based on the recommendations 1-15 in the staff report, subject to the conditions of staff 1-4, with an addition to #2 that the lights dim 30 minutes after close, and the addition of #5 that the proposed CMU to be used will be integral color. 5 Yeas

CASE 1-2023 LUP

Mr. Lewis stated that he has worked on the Transportation Advisory Committee for the last 18 years, but will not be recusing himself.

Mr. Drury read the staff report for an application filed by the Anderson Township Board of Township Trustees for Case 1-2023 LUP.

Mr. Drury stated the applicant is requesting a recommendation to the Board of Township Trustees approving the Anderson Township Trails & Walkways Plan and Appendix Update.

Mr. Drury stated the adoption of the Plan Update was initiated by the Board of Township Trustees on June 1, 2023.

Mr. Drury stated that the Anderson Trails & Walkway Plan was first assembled by the Transportation Advisory Committee and approved by the Board of Trustees in July 1999. This was an outgrowth of the Anderson Township Transportation Plan and the 1986 Sidewalk Plan, which both identified the need for walkways, bike ways, and trails. The Trails Plan was most recently updated in 2018. The main goals from the 2018 Plan that continue into the 2023 Update include the following:

- **Integration of walkways into all planning as the Township develops and evolves, consistent with the 1986 Sidewalk Plan.**
- **Development of a plan for on-going funding of this type of infrastructure improvement.**
- **Creation of public recognition of the benefit and support of funding methods which may be developed.**

Mr. Drury stated that in March 2022, a subcommittee of the Transportation Advisory Committee (TAC) was formed to begin the updating process of the 2018 Anderson Trail Plan (Trails Plan).

Mr. Drury stated that subcommittee members and staff have been updating the Trails Plan through a series of bimonthly (every two months) committee meetings. Staff have also been meeting biweekly for the past 10 months to share ideas and comments regarding the development of a final draft for the 2023 Update. On May 24, 2023, a public engagement session was held at the Anderson Center, along with a “virtual” open house seeking input on the draft plan through most of May 2023.

Mr. Drury stated that on June 1, 2023, the Board of Township Trustees of Anderson passed Resolution NO.23-0601-01 Initiating the Adoption Process for the 2023 Update to the Anderson Township Trails & Walkways Plan.

Mr. Drury stated that the Anderson Trails Plan, last updated in 2018, aims to create a more walkable community by promoting alternative modes of transportation and connecting the township through a network of sidewalks, paths, trails, crosswalks, and other infrastructure. To ensure its continued effectiveness, it is essential to complete a five-year update cycle. This updated plan will provide a long-term strategy for further enhancing walkability, improving accessibility, and fostering a sustainable transportation system within the community. By prioritizing pedestrian-friendly infrastructure and encouraging active transportation, the updated Anderson Trails Plan will contribute to the well-being and connectivity of the residents while reducing dependence on cars and mitigating traffic congestion.

Mr. Drury stated that the Trails Plan Subcommittee conducted a thorough review of the Anderson Trails Plan and implemented significant changes for this year's update. The primary focus was on improving safety at crosswalk locations by enhancing crosswalk striping, patterns, and potential signalization enhancements. Additionally, new recommendations were made to create pedestrian areas through on-street roadway striping and incorporating suggestions from corridor studies on non-motorized transportation. The subcommittee reviewed the streets to be included in the trail projects and discussed potential adjustments to the ranking formula. One notable change was the decision to reduce the calculation of households from 4,000 feet to 1,200 feet, indicating a shift towards a more localized approach. Additionally, they explored the possibility of incorporating speed limits, average speed, and traffic volume on roadways as additional factors in the ranking process. However, after thorough deliberation, the subcommittee and staff concluded that these factors should not be included in the formula. Instead, they recognized that the formula alone should not dictate the prioritization of projects and that a balanced distribution between Township and County road projects could be achieved by considering other factors, such as geographic allocation, which has been a longstanding practice. The subcommittee also considered the use of Tax Increment Financing (TIF) funds for implementation and decided to address shoulder projects on a case-by-case basis. The most substantial change introduced in this update is the addition of an Implementation Section, which provides a detailed work plan and a blueprint of projects scheduled through 2028, ensuring a well-organized approach to implementation.

Mr. Henson applauded staff and the Trails committee for putting in work to create this plan and really shows the efforts and dedication of staff.

Mr. Elliff stated that he agrees and commented that the sidewalks greatly impact his subdivision. Mr. Elliff asked about the connection on page 17 and asked if that connection, which would be a game changer, is possible. Mr. Drury replied that there has been a ton of discussion on how to get the Five Mile Trail connected to the Little Miami Trail. He added that we have had numerous conversations with neighbors to try to make the connection through private property and we do not have full support. He added that the Township does not have a history of using eminent domain, but that we have paid for permanent easements. He added that the County is doing a pilot program that might be the possibility to expand Newtown Road to fit a lane on the berm that would be safer.

Ms. McBride echoed and stated that maybe her neighborhood can be next.

Mr. Gothard thanked the volunteer committee and staff.

Mr. Henson stated on the page 3 diagram, Hilltree and Northport project needs to be switched to the correct project category.

Mr. Drury commented that this has truly been a whole staff effort, starting with a former planner, then administration, now to a newer staff planner with the assistance of other staff and co-ops to move this application forward.

The public hearing was closed at 6:16pm.

DECISION

Ms. McBride moved, Mr. Elliff seconded to recommend approval for Case 1-2023 LUP for the Anderson Township Trails and Walkways Plan.

5 Years

CASE 1-1987 ANDERSON MAJOR MODIFICATION

Ms. McBride disclosed that she was the original project manager and did the application in 1987, and stated that she has not worked on the property in a long time.

Mr. Drury read the staff report for an application filed by Jack Meaney, P.E of GBC Design, Inc., on behalf of Beechmont Outparcel Enterprises LLC, property owner, located at 8598 Beechmont Avenue (Book 500, Page 41, Parcel 1444 and a portion of Parcel 266), zoned "EE" Planned Business District.

Mr. Drury stated the applicant is requesting a Major Modification to the approved Final Development Plan for the property located at 8598 Beechmont Avenue, as approved at the February 26, 2006 Zoning

Commission hearing. The applicant is proposing a 593 SF building addition, a dual lane drive-through with canopies, and parking lot modifications for Chick-fil-A.

Mr. Drury stated the tract is .482 acres of parcel 1444 and approximately 15 acres on parcel 266, with approximately 150' on Beechmont Avenue (Parcel 1444), 208' on Beechmont Avenue (Parcel 266), the topography on the site is flat, the existing use is a Chick-fil-A and a shopping center.

Mr. Drury stated that the applicant is proposing a 593 SF building addition for a kitchen expansion, a dual lane drive-through with canopies that will merge into a single lane, and parking lot modifications for Chick-fil-A. New signage, lighting and landscaping are also proposed. The building addition will require a new parking count of 52 parking spaces. In order to expand the drive-thru to two lanes, there will be a reduction of onsite parking to 24 spaces, with the remainder of the spaces shared with the adjacent shopping center. A parking agreement and access easements have been provided.

Mr. Drury stated that the Final Development Plan for the existing Chick-fil-A was approved by the Zoning Commission on February 27, 2006 with 9 conditions. The restaurant was constructed later that year.

Mr. Drury stated that the subject site was part of the Beechmont Square Shopping center redevelopment that was rezoned "EE" Planned Business by the Hamilton County Commissioners Resolution 772 (Case 1-1987 Anderson) in 1987.

Mr. Drury stated that any modification to the approved Final Development Plan that fails to meet the requirements set forth in Article 5.1, C, 2 but does not infringe upon a specific requirement or standard as set forth in the development's approving Resolution as adopted by the Board of Township Trustees shall be considered a Major Modification to the Final Development Plan. For approval, there shall be findings that any proposed changes to the Plan will be in substantial conformance with the intent of the approving Resolution including related conditions as adopted by the Board of Township Trustees.

Mr. Drury stated that Resolution 2006-0227-02 provides a basis to evaluate this proposal. Below please find staff's notes on the site plan's compliance with these requirements:

Zoning Commission conditions:

(Note: the numbering below corresponds with conditions in Resolution)

1. Satisfactory reports are received from the County Engineer, Department of Public Works, Metropolitan Sewer District and/or O.E.P.A., Natural Resource Conservation Service, and Anderson Fire & Rescue Department, and the Plans must comply with their requirements. **Plans will be routed during building permit process.**
2. All previous conditions of approval from Resolution 1-87, as well as any other subsequent modifications, as well as the underlying requirements of the Zoning Resolution, shall still apply to the site. **Compliant except as noted in Condition #4.**
3. The Plan shall be reviewed by staff, following comments and modifications that result from other agency comments, to ensure compliance with the Anderson Township Zoning Resolution, prior to the issuance of a Zoning Certificate. This final plan set shall also include the addition of a plan sheet

containing copies of the approving Resolution and any Zoning Commission correspondence related to this application. **The plan will be reviewed prior to issuance of a zoning certificate to ensure compliance with approving resolution.**

4. 300 square feet from the yet to be built portion of Building "B1" shall be transferred to this site, Building "H", to allow the size to exceed the previous limit of 4,000 sq. ft. Building "F" (16,800 SF) was never constructed. **Staff recommends that 593 SF of proposed Building "F" be transferred to Building "H".**
5. Signage shall be reviewed by staff for compliance with the Anderson Township Zoning Resolution. One temporary sign may be permitted on the subject site, maximum 32 sq. ft., two sided, during construction of the property, but shall be removed within two weeks of the Chick-fil-A opening. **Signage will be reviewed under separate application.**
6. A dumpster enclosure detail shall be submitted for staff review showing materials and colors that match that of the primary structure, with solid doors facing north. **No changes are proposed to existing dumpster enclosure.**
7. Loading and service deliveries shall be done in a manner as not to restrict east-west traffic movement on the parallel access driveway. **Compliant**
8. To the extent possible, the existing landscaping along the eastern edge of the site, that being the hedgerow and trees near Margarita's, shall remain. **A new landscape plan is proposed, and is compliant with the Zoning Resolution.**
9. Landscaping at the rear of the building shall be modified to add one or more deciduous trees to partially screen or buffer the brick rear of the building. **Three existing cherry trees are proposed to remain.**

Mr. Drury stated that the proposed development is compliant with the Zoning Resolution.

Mr. Drury stated that In addition to compliance with the Township's Zoning Resolution, the development is also being reviewed in light of adopted plans for this area, such as the Anderson Plan, the Anderson Trails and Walkways Plan, the Beechmont Plan and the Anderson Township Design Guidelines.

Anderson Plan

The proposal is consistent with the goals and objectives of the Anderson Plan and its recommendations for enhancing economic activities. The Future Land Use classification identifies the site for General Mixed Use, which is defined as "Community and regional oriented business, offices, and services that are located primarily along major thoroughfares. These uses may be located in individual-user buildings, multi-tenant buildings, or mixed-use buildings. Buildings are encouraged to be located close to the road with the majority of parking located to the side and rear of buildings. Residential uses may be located in mixed-use buildings but should only be located on the second floors or higher or behind nonresidential buildings. The proposed use meets this description.

Mr. Drury stated that the application is consistent with the following Goals of the Anderson Plan: Economic Vitality: The Township should attract a variety of businesses to meet changing demographics and market demands. With a focus on an expanded tax base with an increasing amount of land

developed for a mixture of non-residential uses, this will attract new businesses and promote and retain existing businesses.

Land Use and Development: Anderson Township will be a well-planned community with a mixture of parks, recreational uses, residential neighborhoods, commercial centers and an industrial base balanced with agricultural uses.

Mr. Drury stated that The Anderson Township Design Guidelines state the following (in part):

Building Materials (p. 32)

Materials. Buildings should be constructed of high-quality materials and the use of variety of materials is encouraged. Acceptable primary materials include brick, clapboards and shingles (wood, fiberglass, metal), and stone or simulated stone. Contemporary secondary or supporting materials with the same visual characteristics as traditional materials (e.g., cement plank clapboards) are acceptable if properly detailed with surface textures and trim at openings, corners, and changes in material and in context with the primary materials. Painted medium density overlay (MDO) plywood is acceptable when used as a secondary material in combination with traditional materials to give it scale. Long-term maintenance needs should be a consideration in the selection of all building materials.

Staff is of the opinion that the materials proposed for the drive-thru canopies and awnings is complimentary to the existing mixture of materials on the building.

Circulation (p. 11):

Connections with Adjacent Properties. Pedestrian and vehicular connections between parking lots and driveways on adjacent parcels should be provided wherever feasible to minimize turning movements onto major roadways. Internal connections should provide safe, direct access while discouraging vehicular shortcuts. Cross easements should be provided as required to facilitate circulation, and anticipate future connections.

Drive-Throughs (p. 39):

Where drive-throughs are allowed, they should be incorporated into the design of the building through their scale, color, detailing, massing, and other architectural treatments. Drive-through operations and other automobile-oriented facilities should be designed with facade and roofline elements through roof pitch, architectural detailing, materials, and color, which reduce their scale and add architectural interest. Bands of bold color on the canopy and backlighting inside the canopy are discouraged.

Drive-throughs should be located at the side or rear of the building and avoid facing public or private roadways. Where drive-throughs are located at the rear, consideration should be given to making the site as visible as possible to ensure the safety of the patrons.

Staff is of the opinion that the proposed dual drive-thru should ease congestion and separate the drive-thru from the parking area for a safer experience.

Mr. Drury stated that an existing sidewalk is located along the frontage of Beechmont Ave. Pedestrian

connections are provided from the building to the sidewalk along the street, as well as a connection to parking areas.

Mr. Drury stated that staff believes that the proposed plan is consistent with the spirit of the approving resolution for this rezoning. Staff recommends approval of the Major Modification for Case 1-1987 FDP Phase I, for 8501 Beechmont Avenue, with the following conditions (changes from previous conditions are noted in bold):

1. Satisfactory reports are received from the County Engineer, Department of Public Works, Metropolitan Sewer District and/or O.E.P.A., Natural Resource Conservation Service, and Anderson Fire & Rescue Department, and the Plans must comply with their requirements.
2. All previous conditions of approval from Resolution 1-87, as well as any other subsequent modifications, as well as the underlying requirements of the Zoning Resolution, shall still apply to the site.
3. The Plan shall be reviewed by staff, following comments and modifications that result from other agency comments, to ensure compliance with the Anderson Township Zoning Resolution, prior to the issuance of a Zoning Certificate. This final plan set shall also include the addition of a plan sheet containing copies of the approving Resolution and any Zoning Commission correspondence related to this application.
4. 300 square feet from the yet to be built portion of Building "B1" and **593 SF of proposed Building "F" shall be transferred to Building "H"**, to allow the size to exceed the previous limit of 4,000 sq. ft.
5. Signage shall be reviewed by staff for compliance with the Anderson Township Zoning Resolution. One temporary sign may be permitted on the subject site, maximum 32 sq. ft., two sided, during construction of the property, but shall be removed within two weeks of the Chick-fil-A opening.
6. A dumpster enclosure detail shall be submitted for staff review showing materials and colors that match that of the primary structure, with solid doors facing north.
7. Loading and service deliveries shall be done in a manner as not to restrict east-west traffic movement on the parallel access driveway.
8. **Landscaping shall be installed per the submitted landscape plan and compliant with the Zoning Resolution.**
9. **Three existing cherry trees** at the rear of the building shall remain to partially screen or buffer the brick rear of the building.

Mr. Elliff stated that routing the pedestrian access through the drive thru lanes can be concerning. He noted that people are distracted and that aspect might need more attention in this submittal. He noted it could be a potential raised walkway or anything to give it additional attention.

Ms. McBride noted that Mr. Elliff was also one of her comments and stated that she is also concerned about the parking lot area and not being able to turn around. Mr. Drury replied and stated that staff also had the same concern and discussed this with the applicant. He added that they have hatched one of the parking spots that is not an ADA requirement. Mr. Drury replied that at the current site, you back

out into the drive thru lane, so that would eliminate that issue. Ms. McBride asked if there could be additional signage.

Mr. Lewis asked about the amount of square footage in comparison to the building. Mr. Drury replied that it would be located along the back of the existing building.

Mr. Henson asked about the ADA requirement. Mr. Drury replied that the ADA space is a building code requirement and read the requirements and stated that if they have under 25 parking spaces, they only need 1.

Mr. Henson asked if they have the correct number of trees, he stated that he calculated a net loss of 3 spaces. Mr. Drury replied that staff determined that they were in compliance, and they are adding additional trees along the front.

Allan Wiley, GBC Design, applicant on behalf of Chick fil A, stated that pedestrians will have to cross the drive thru at some point, but they can look at different options of either a raise pedestrian crossing or pavement.

Mr. Lewis asked about the square footage and the allocation going towards Chick fil A. Mr. Wiley replied that they can get written permission from the property owner.

Mr. Wiley explained the site and the need for the canopies to help make the drive thru run smoother. He stated that since the pandemic, they have seen a decline in the dining room and dramatic increase in drive thru use.

Mr. Gothard asked about lighting on the site. Mr. Wiley replied that they would not be modifying the lighting.

Mr. Lewis asked about the construction timeline. Mr. Wiley replied that they will have to close this location while it goes through the construction process, but should only be closed for a couple of months.

Ms. McBride stated that a speed pillow might help with the pedestrian crossing in the area.

Mr. Henson asked what the discs under the overheads are on the elevations. Mr. Wiley replied that they are fans.

Public hearing closed at 6:41 PM

DECISION

Ms. McBride moved, Mr. Lewis seconded to approve Case 1-1987 Anderson Major Modification for the property of 8598 Beechmont Avenue, Chick-fil-A, as recommended by staff, items 1-9 with the following additional conditions: 10. That a turn around space be provided for the then 23 parking lot,

**11. A speed pillow in access drive and drive thru lane be provided, the pedestrian crossing shall include sign with lights, connection be constructed to adjacent to building, 12. Property owner authorization be provided to the Township.
5 Yeas**

CASE 2-2018 ANDERSON MAJOR MODIFICATION

Mr. Drury read the staff report for an application filed by Jessica McClory of Stantec, on behalf of Mako Express Wash, on behalf of Wood Stone IV Holdings Skytop LLC, property owner, located at 5240 Beechmont Avenue (Book 500, Page 430, Parcel 206), zoned "EE" Planned Business District.

Mr. Drury stated the applicant is requesting a Major Modification to the Final Development Plan per Article 5.1, C, 2 for a new carwash, including a 120 ft. long car wash building (approximately 3,950 sq. ft.), stacking area, vacuums, parking and landscaping.

Mr. Drury stated the tract is 1.869 acres, with approximately 208.65' on Beechmont Avenue and 378.49' on the private access drive to the east of the property, the topography on the site is flat, the existing use is a parking lot.

Mr. Drury stated that the applicant is proposing a Major Modification to Skytop Phase 1, as approved with Case 2-2018 FDP, Resolution 2019-1028-02, for a 120 ft. long carwash building, approximately 3,950 sq. ft., stacking area, vacuums, parking and landscaping.

Mr. Drury stated that Phase 1: (This history does not include Phase 2- Skytop Apartments, which are currently under construction).

The Hamilton County Regional Planning Commission (HCRPC) held a public meeting on Case 2-2018 Anderson Skytop on May 3, 2018, and recommended approval with seven conditions.

Mr. Drury stated that the Anderson Township Zoning Commission held a public hearing on May 21, 2018 in which there were four members present. A motion to approve the zone change was seconded, however a tie vote ensued. The Zoning Commission bylaws require a total of 3 votes to pass a motion, therefore a recommendation of denial was reported to the Trustees.

Mr. Drury stated that the Anderson Township Board of Trustees held a public hearing on June 21, 2018 in which three members were present. A motion to approve and adopt the zone change was seconded and approved with conditions by the Board of Trustees.

Mr. Drury stated that the Zoning Commission held a public hearing on October 28, 2019 for Case 2-2018 FDP for two existing commercial buildings and the construction of a new 1 story commercial building, size 10,640 SF, 117 parking spaces, lighting and landscaping modifications. The Zoning Commission approved the Final Development Plan for Phase 1, Case 2-2018 Anderson with four conditions.

Mr. Drury stated that any modification to the approved Final Development Plan that fails to meet the requirements set forth in Article 5.1, C, 2 but does not infringe upon a specific requirement or standard as set forth in the development's approving Resolution as adopted by the Board of Township Trustees shall be considered a Major Modification to the Final Development Plan. For approval, there shall be findings that any proposed changes to the Plan will be in substantial conformance with the intent of the approving Resolution including related conditions as adopted by the Board of Township Trustees.

Mr. Drury stated that the applicant's proposal is a change of use from a 1 story commercial outlot building, size 10,640 SF, to an approximately 3,950 sq. ft. carwash building. The previously approved plan of Case 2-2018 FDP (Phase 1) considered the connection to the adjacent retail development, as well as the connection to the multi-family development located to the north of the site. The previously approved plan considered the shared parking of 117 spaces, which were recorded during the land division process. The applicant is proposing only 4 parking spaces, which would eliminate 43 parking spaces of the shared spaces.

Mr. Drury stated that the proposed development is non-compliant with the following articles of the Anderson Township Zoning Resolution:

Article 5.3, D, 2, c, Sidewalks Along a Public Street: There is an existing sidewalk along Beechmont Avenue, which will be continuing north along the private access drive to a trail head on the Clough Creek side of the driveway. While the applicant is showing a sidewalk along the southern property line, there is not a pedestrian connection to this future sidewalk shown on the plans. There is also not a connection from the sidewalk shown on the plan to the building or the vacuum area.

Article 5.3, D, 3, a Dimensions: Parallel parking spaces are required to be 9' x 23', the four parallel parking spaces are shown as 8' x 23' on the site plan.

Article 5.3, D, 4, Parking requirements for Physically Disabled: while ADA spots are marked, details for signage were not provided and are required.

Article 5.3, D, 9, Bicycle Parking: The applicant must provide two bicycle parking spaces with locking accommodations and placed within reasonable access to the main entrance.

Article 5.3, D, 8, Dumpsters & Trash Handling Areas for Non-Single-Family Districts: Elevations were not provided for the dumpster enclosure.

Article 5.3, G, 2, Alternative Parking- Shared Parking: There are existing parking spaces on the property which are used by adjacent commercial buildings, which was approved and recorded during the land division process. This includes 117 spaces. The proposal will eliminate 43 of the shared parking spaces, and would also prevent access to 12 spaces that are on an adjacent commercial property due to the elimination of a drive aisle to be used as a curb/drive thru lane to the carwash. A parking analysis was not submitted with the application. Staff recommends that a parking analysis be submitted to demonstrate

the parking count for the three commercial outlot buildings.

Article 5.3, H Vehicle Stacking Space Requirements: The applicant is required to show 7 stacking spaces of size 9' x 20', they show one vehicle on the plan.

Article 5.3, K, Lighting For Non-Single Family Uses: There was no lighting plan submitted.

Article 5.3, L: Landscaping and Buffering: The landscaping plan provided is not in compliance with the Anderson Township Zoning Resolution. The Zoning Resolution requires 1 tree per 30' and 3 shrubs per 10' as a minimum planting requirement along the perimeter of any parking area. In addition, the previously approved plan in Case 2-2018 FDP showed 7 trees along the east property line, whereas now there are 4 shown, and 11 along the southern edge of the site, where now none are shown. Overall, the site has zero shrubs. The Zoning Resolution also calls for a minimum of 10% of the total interior parking lot area to be landscaped with planted islands, a minimum of 1 tree and 2 shrubs for every 2,500 square feet of parking lot (Article 5.3, L, 6, b).

Article 5.5, Signage: There was no signage plan submitted.

Mr. Drury stated that in addition to compliance with the Township's Zoning Resolution, the development is also being reviewed in light of adopted plans for this area, such as the Anderson Plan, the Anderson Trails and Walkways Plan, the Beechmont Plan and the Anderson Township Design Guidelines.

Anderson Plan

This application is consistent with the following aspect of the Anderson Plan.

Land Use and Development Initiatives: The Township will undertake economic development activities to help fill any vacant storefronts and businesses. The site has been vacant since 2018.

Anderson Trails Plan

The approval of Phase 2 included the construction of a trail head with an overlook area to Clough Creek. The Skytop development as a whole is part of the larger connection to the Little Miami Trail. The Beechmont Connector Bridge was completed in early 2023, which connects the Little Miami Trail to the Lunken Airport, as a regional connection. In addition, the Township received funding to construct sidewalks along Elstun Road, across the street from the development and are working on the engineering for a connection from the Beechmont Bridge to the new sidewalks on Elstun. The applicant's site plan shows a sidewalk to the south of the site. It does not show a pedestrian connection across the access drive from the site to the trail head or from the sidewalk to the building/vacuum area. It also does not show that sidewalk being connected to the sidewalk at the adjacent commercial building.

Mr. Drury stated that the proposal is inconsistent with the following elements of the Anderson Design Guidelines:

Architecture: There were no elevations submitted for the carwash structure. The other commercial developments in the Skytop shopping center have taken special care to forming the character of this site.

Including Phase 1- the existing commercial outlot building, which has added patio enclosures that matched the existing character of the building, and Phase 2- the multi-family apartment building, which is creating an art deco feel, similar to Lunken Airport.

Site Planning: The submitted plan does not take into consideration the elimination of parking spaces and the impact to surrounding commercial outlots. With 117 parking spaces originally approved, eliminating 43 will place a strain on the parking availability of the site. While this use, a carwash, is only required to have two spaces, they are blocking off 19 vacuum spaces within their site that will not be able to be used by adjacent commercial uses.

Relationships to Surrounding Properties. Developments should be linked with the adjacent properties in the corridor and surrounding areas, in order to provide direct, safe, and convenient pedestrian, automobile, and bicycle access. The current site design blocks access to 12 spaces for the adjacent commercial use to the west. The applicant's site design removes a drive aisle, which previously split down the property line, and is being proposed to be curb and a lane for the carwash.

Lighting: No lighting plan was submitted.

Mr. Drury stated that staff is of the opinion that the submitted plans are inconsistent with the Anderson Township Zoning Resolution, as well as the previously approved plan for Case 2-2018 Anderson. Based on Case 2-2018 Anderson findings and recommendations, staff finds:

1. The proposed application of a carwash use is a permitted retail use ("EE" Zoning District), however not necessarily compatible with the approved Final Development Plan, and intent of the original rezoning.
2. The essential character of the neighborhood would be altered if the application is approved. The property is being developed as a mixed-use development with multi-family housing, a micro-brewery, and retail outlets. No elevation drawings were submitted to demonstrate compliance with the Anderson Township Design Guidelines, nor the architectural character of the new developments. The proposed layout does not account for cross access and shared parking that was approved with the land division nor Final Development Plan approval.
3. There would be an impact to the adjacent commercial uses that were approved with planned shared parking and cross access. Without a parking analysis of the outlot commercial uses, staff is unable to determine if adjacent uses are still in compliance with parking requirements.
4. The proposed use of the site provides an opportunity for the applicant to realize a reasonable profit (not necessarily a maximum profit) from the applicant's use of the subject land.

Mr. Drury stated that the parking spaces currently being used as the outdoor area are part of the total parking count and should the other out parcel be used, the outdoor area would need to be eliminated for the parking area.

Mr. Drury stated that staff received a number of emails in the last two days. He stated that they have been presented to the Board if they were sent to staff prior to 4:30PM today.

Mr. Elliff stated that the staff report was helpful and confirmed that he read through the emails.

Ms. McBride asked if we have a guess on how many spots are being occupied by the outdoor patio area. **Mr. Drury** replied probably 48 spaces.

Mr. Lewis asked about the parking with the apartments. **Mr. Drury** replied that during the apartments the Zoning Commission approved a lower minimum in order to get the most spaces on the site. He also added that the apartments do not have a shared parking agreement with the commercial outlots.

Mr. Lewis asked about what was approved for Big Ash, **Mr. Drury** replied it was a deck, outdoor space. **Mr. Lewis** stated his frustration on having two months of incomplete applications.

Mr. Henson asked if the shared parking agreement was part of the Final Development Plan. **Mr. Drury** replied that the stand-alone parcels did not have enough parking, so first and foremost the parking agreement was part of the land division, and also approved with the Final Development Plan.

John McClean, 320 Fall Street, South Carolina, Mako Carwash, stated that he received the emails from the neighboring property today as well. He stated that when they developed their site plan, they did not take into account the neighboring brewery, just looking at how their site is managed and set up. He stated that there are probably things they can do to take the patio into account. He stated that what was submitted is the perfect layout for them, but they can probably elevate some of the noise concerns. He stated that for the parking, it was discussed on Friday with staff and that they have a bit more homework to do and see what they are eliminating and what the residual properties will be left with and how their use effects them. He stated that there is really no way to share parking with their use. He stated that the other two uses will need to be able to self-park.

Mr. Henson asked if the applicant is interested in continuing or would like to proceed. He asked that the public comment would be helpful for the applicant to hear. **Mr. Lewis** encouraged the applicant to continue to the application due to the lack of information. **Mr. Mclean** replied that they would like to continue.

DECISION

Ms. McBride moved, **Mr. Gothard** seconded to continue Case 2-2018 Anderson Major Modification, in progress until the applicant is ready to move forward with a complete application.
3 Yeas, 2 Nos- Elliff, McBride

The Board discussed staff policy on submitting incomplete applications and being on the Zoning Commission agenda.

CASE 1-2023 PUD

Mr. Drury read the staff report for an application filed by Michael Doenges, of CORE Resources, on behalf of Anderson Land Holding's, LLC, property owner, located at 6694 and 6700 Clough Pike (Book 500, Page 360, Parcel 94 and 33), zoned "E" Retail Business.

Mr. Drury stated the applicant is requesting a Planned Unit Development (PUD) approval for parking lot modifications, dumpster enclosure, patios, and an existing tent to remain, with an impervious surface ratio of 87.2% for 6694 Clough Pike and 86.2% for 6700 Clough Pike. A change of use to a restaurant / bourbon bar is also proposed for 6700 Clough Pike.

Mr. Drury stated the tract is .436 acres (6694 Clough) and .650 acres (6700 Clough), with approximately 49.9' (6694 Clough) / 82.61' (6700 Clough) on Clough Pike, the topography on the site is mostly flat, sharp increase in grade toward the rear of the site (east), the existing use is Anderson Township Pub / Vacant commercial structure.

Mr. Drury stated that the applicant is proposing a reconfigured, shared parking area for 6694 and 6700 Clough Pike for the existing Anderson Township Pub (ATP) and a proposed Bourbon Bar. An existing 525 SF temporary tent (size 15' x 35') located behind ATP is proposed to remain. A covered patio (1,956 SF) is proposed on the north side of the Bourbon Bar, and an uncovered patio (372 SF) is proposed on the east side of the building. Cross access to the north is identified on the plan, as well as shared parking with the Family Pet Center to the north. The optimum parking for both uses combined is 95 spaces, with a permissible range of 85-105 spaces. The applicant is proposing 52 onsite spaces, and 30 offsite, for a total of 82 spaces.

Mr. Drury stated that the ATP building was constructed in 1957 and 6700 Clough was constructed in 1968. Both parking lots were nonconforming to the current parking regulations. The ATP was established in 1982. The current owners purchased ATP on March 10, 2020 and 6700 Clough on June 15, 2020. The former use of 6700 Clough Pike was SDH Controls.

Mr. Drury stated that below is the history of communication with owners following a complaint received:

- August, 2020 – received email from Hamilton County Planning + Development / Stormwater that a complaint was filed for paving / expanding the rear parking area
- August, 2020 – Township contacted owner requesting an application for zoning to be made for work completed on the property
- September, 2020 – ATP submitted plan for review, however additional information was needed in order to determine zoning processes necessary
- June, 2022 – staff met onsite with owner to discuss future plans and request an application for zoning to bring property into compliance
- March, 2023 – Fire & Rescue responded to small fire and noticed an unpermitted tent behind building
- March, 2023 – Hamilton County Planning + Development posted the tent as "Unsafe Structure"

- March, 2023 – Planning and Zoning denied zoning certificate for tent with outstanding zoning violations on property
- April, 5, 2023 – Zoning certificate was issued for two temporary tents, to be removed May 23, 2023, pending outcome of Zoning Commission hearing
- April 5, 2023 – Building permit issued for two tents, occupancy approved April 18, 2023
- May 1, 2023 – PUD application submitted, however continued due to incomplete application
- May 23, 2023 – Date listed on Zoning Certificate for the two temporary tents to be removed by.
- June 9, 2023 – Revised PUD application submitted

Mr. Drury stated that the Zoning Commission is reviewing the application because the proposed development will have an impervious surface ratio greater than 60%, which triggers the PUD overlay and the standards found in Article 4.1 of the Zoning Resolution. In addition to compliance with the Township's Zoning Resolution, the development is also being reviewed in light of adopted plans for this area, such as the Anderson Plan, the Anderson Trails and Walkways Plan, and the Anderson Township Design Guidelines.

Mr. Drury stated that both buildings were constructed prior to the current parking regulations. Therefore, this should be taken into consideration when retrofitting the parking lots versus new construction. The proposed development is non-compliant with the following articles of the Anderson Township Zoning Resolution:

Article 5.3, D, 1, e General Design Requirements for Parking and Loading Areas: The parking spaces on 6700 Clough are at a 0' setback to a residence zoning district to the east vs the required 10' setback.

Article 5.3, D, 1, f General Design Requirements for Parking and Loading Areas: No area is identified for screening at 6700 Clough, however, the adjacent property is a heavily wooded, steep hillside.

Article 5.3, D, 2, d General Design Requirements for Parking and Loading Areas: The two handicap parking spaces in front of 6700 Clough are located within 20' of the R/W vs the required 30'.

Article 5.3, D, 3, a General Design Requirements for Parking and Loading Areas: The parking spaces have been reduced to size 9' x 18' vs the required 9' x 19' to optimize parking for the site. Drive aisles are compliant at 24' for two-way traffic, and 12' wide for one-way.

Article 5.3, D, 3, d or e General Design Requirements for Parking and Loading Areas: Wheel stops or curbs are required around the landscaping islands and perimeter of the parking area.

Article 5.3, D, 8 Dumpsters & Trash Handling Areas for Non-Single-Family Districts: Elevations were not provided for the dumpster enclosure.

Article 5.3, G, 2 Alternative Parking- Shared Parking: The optimum parking for both uses combined is 95 spaces, with a permissible range of 85-105 spaces. The applicant is proposing 52 onsite spaces, and 30 offsite, for a total of 82 spaces. Staff feels that a shared parking agreement between all 3 parcels need to be recorded before zoning certificate approval is given.

Article 5.3, K Lighting For Non-Single Family Uses: No lighting plan was submitted.

Article 5.3, L Landscaping and Buffering: No landscaping plan was submitted

Article 5.5, Signage: The current free-standing sign is non-conforming. Two new wall signs have been added to ATP without zoning approval. The applicant has stated that it is their intention to keep the freestanding sign, and apply separately for any new signage for the Bourbon Bar.

Mr. Drury stated that in addition to compliance with the Township's Zoning Resolution, the development is also being reviewed in light of adopted plans for this area, such as the Anderson Plan, the Anderson Trails and Walkways Plan, the Beechmont Plan and the Anderson Township Design Guidelines.

Mr. Drury stated that the proposal is consistent with the goals and objectives of the Anderson Plan and its recommendations for enhancing economic activities. The Future Land Use classification identifies the site for Neighborhood Retail, which is defined as "Low-intensity retail and services uses, that provide a transition between residential uses and other types of development, or that are compatible in terms of use and scale to adjacent residential neighborhoods. The proposed use meets this description.

Mr. Drury stated that the application is consistent with the following Goals of the Anderson Plan:

Economic Vitality: The Township should attract a variety of businesses to meet changing demographics and market demands. With a focus on an expanded tax base with an increasing amount of land developed for a mixture of non-residential uses, this will attract new businesses and promote and retain existing businesses.

Land Use and Development: Anderson Township will be a well-planned community with a mixture of parks, recreational uses, residential neighborhoods, commercial centers and an industrial base balanced with agricultural uses.

Land Use and Development Initiatives: The Township will undertake economic development activities to help fill any vacant storefronts and businesses.

Mr. Drury stated that an existing sidewalk is located along the frontage of Clough Pike that was constructed with the Township's Clough Streetscape project in 2014. Pedestrian connections are provided from the buildings to the sidewalk along the street.

Mr. Drury stated that the proposal is consistent with the following elements of the Anderson Design Guidelines:

Site Planning: Upgrading visual character and sense of human scale in spaces through particular attention to architecture, site planning, signage, landscaping, and lighting.

Relationships to Surrounding Properties. Developments should be linked with the adjacent properties in the corridor and surrounding areas, in order to provide direct, safe, and convenient pedestrian, automobile, and bicycle access. The proposed development is sharing parking between three properties, and a potential cross access connection to the north is identified. No agreements have been submitted thus far.

Mr. Drury stated that the proposal is inconsistent with the following elements of the Anderson Design Guidelines:

Site Planning:

Relationships to Surrounding Properties. Developments should be linked with the adjacent properties in the corridor and surrounding areas, in order to provide direct, safe, and convenient pedestrian, automobile, and bicycle access.

Circulation: Connections with Adjacent Properties. Pedestrian and vehicular connections between parking lots and driveways on adjacent parcels should be provided wherever feasible to minimize turning movements onto major roadways. Internal connections should provide safe, direct access while discouraging vehicular shortcuts. Cross easements should be provided as required to facilitate circulation, and anticipate future connections. The proposed development is sharing parking between three properties, and a potential cross access connection to the north is identified, however, no agreements have been submitted thus far. A future cross access to the south should also be considered.

Lighting: Provide appropriate levels of lighting to ensure visibility and safety in both pedestrian and vehicular areas while avoiding over-illumination. No lighting plan was submitted.

Signage:

Objectives: Signage that is not affixed to a facade shall be designed to complement the design of the building and in concert with the signage pattern and character of public and private development.

Mr. Drury stated

- Height. Signage is encouraged to be erected at lower heights, maintaining clearance above landscaping and parked automobiles, and below power lines and mature trees.
- Signage Support Structures. The use of ground mounted signs are generally encouraged, as opposed to pole signs. Support structure for such signs shall be of materials that are compatible with the sign and surrounding site, preferably constructed with a stone base.

The existing free-standing sign is non-conforming. Staff is of the opinion that the sign should be brought into compliance with the recommendations of the Anderson Township Design Guidelines, and consistent with other compliant new signs in the Clough Corridor.

The unpermitted wall signs appear to be compliant and compliment the building.

One temporary tent is proposed to be removed with the completion of the Bourbon Bar however no timeframe was provided. The other tent is proposed to be installed permanently. Staff is concerned that no timeframes are proposed with either temporary tent. The tents have already been in place for at least 3 years and are constructed of temporary material.

Mr. Drury stated that improvements to ATP and the proposed Bourbon Bar have many elements that are consistent with adopted Township plans, however, staff feels that more information is needed. Staff recommends the Zoning Commission request the following additional information:

- Revised site plan –
 - The patio on the site plan does not match the floor plan.

- Are retaining walls needed for the parking lot to the east?
- Is a retaining wall needed for the dumpster?
- Provide cross access / shared parking agreements
- Lighting Plan
- Landscape Plan
- Elevation drawing of dumpster enclosure
- Timeline for bourbon bar, removal of tent
- Address general standards for a PUD Plan Approval (ATZR Article 4.1, G), including acoustical privacy

Mr. Henson swore in all those who wished to testify for Case 1-2023 PUD.

Mr. Elliff asked if staff feels like they also need barriers against the back parking lot or if they should have wheel stop. Mr. Drury replied the back is really steep and it's unclear on the plans submitted and staff did not have confirmation on if a retaining wall is needed.

Mr. Elliff asked if staff is of the opinion that all the tents should be removed. Mr. Drury replied that tents are of a temporary material and that they should be taken down.

Ms. McBride asked the status of the tents on the property. Mr. Drury explained the history of the tents on the site.

Mr. Lewis asked about the difference between permanent and temporary structures. Mr. Drury replied that staff does not have a definition. Mr. Lewis asked if it has been permitted. Mr. Drury replied yes, it has been permitted through the Township and inspected through Hamilton County.

Mr. Henson asked if the proposed parking will be paved. Mr. Drury replied yes, it was previously gravel and was brought to staff's attention that it was paved without zoning approval.

Michael Doenges, Core Resources, on behalf of the applicant, stated that they are trying to bring the ATP site into compliance and to have the best use of this site. He stated that the property owners have made substantial investments in the community. He stated that the building they recently purchased is now an eyesore and they are hoping to put a great investment into this area. He stated that it will be nothing like anything else in Anderson and will be great for the Clough Pike Corridor. He stated that the first application was not complete and on their resubmittal they provided a line by line explanation of what was changed on the plan. He stated that the applicant is willing to modify the plans. He stated to address staff concerns, the site plan doesn't match the floor plans, the goal is for the patio shown on the site plan. He noted for retaining walls, the civil engineer does not feel that it is not necessary but maybe a small barrier curb. He stated that there is a small wall existing near the dumpster and have oriented the dumpster accordingly. He stated that they are open and willing to create the cross access agreements. He stated that they are not planning on any additional site lighting and that the owner

feels like the existing lighting is adequate. He stated that the landscaping shown on the plan, however the applicant is willing to change the landscaping plan and address the plants. He stated that the dumpster enclosure will be equal or better materials than the building, and will match. He stated that the bourbon bar timeline and they hope to be in for permit by August/September and complete construction by March. He stated that the applicant feels like the community and clientele get a ton of use and business out of the temporary tents. He stated that the Bourbon bar will have a different feel than ATP, and will be a bit more elevated, which is why ATP would like to keep the temporary tent. Mr. Doenges discussed the shared parking between adjacent property owners and that they are aware that they need to have something in writing. He stated that they were not anticipating changing signage, but if the freestanding signage needs to be brought into compliance, they are willing to. He noted that with the temporary tent that the county allows for 180 days

Mr. Elliff asked what the capacity is of the temporary tent. Mr. Doenges replied that he is not sure.

Ms. McBride stated that the temporary tent is not included in parking count. Mr. Doenges replied that the temporary tent is included in parking count because it is part of the patio, so it is included.

Ms. McBride noted that the Legion has conflicting hours to these businesses, how would that work for shared parking agreements. Mr. Doenges replied that Legion owns it, but would be the area for the hardwood store in the back. **Ms. McBride** asked how they would connect. Mr. Doenges replied that they would use the Township sidewalk.

Ms. McBride asked what lighting is existing. Mr. Doenges replied that there are wall packs on the building that have been sufficient.

Ms. McBride asked if there is a fence around the patio at ATP. Mr. Doenges replied that he believed so.

Mr. Lewis stated that this could be a good concept if done properly and up to code, but that there are a lot of holes in the application.

Mr. Gothard stated that there are a lot of unknowns with the application and without any concrete information, it would be hard to take a vote.

Mr. Henson asked if the bourbon bar entrance intended to be an ingress/egress. Mr. Doenges replied that you would go in the bourbon bar one way, then exit out of ATP. Mr. Henson asked if there is a cross access agreement in place. Mr. Doenges replied that not at this time.

Guy Wolfe, 6001 Stirrup Rd, stated that he lives a mile from the site and is a member of the Legion, but is not speaking on their behalf. He stated in general, he is in support of the application but there are specific things he would like specific care taken to, including lighting extending past their property line, as well as sound specifications, such as bands not going beyond responsible hours and sound volumes.

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Robert Franko, 2432 Royalview Ct, stated that he is up east of the property and even though it is heavily wooded, the sound travels up the hill and into the houses when bands play at ATP. He stated that to him, being able to sit in your house and not have to listen to commercial buildings is a good definition of acoustical privacy. He stated that a sound engineer should have to do a plan for this site, in order to correct the issue. He stated that the band stand is not located on the plan and there is nothing on the plan that discusses the provisions that will be made to separate the band from the residents up the hill. He stated that this Zoning Commission will probably be the only time to correct the problem.

Mr. Elliff asked if the noise is from the outdoor tent area. **Mr. Franko** replied that they occasionally they do, but the outdoor cornhole was a huge problem. **Mr. Elliff** asked if the band is outside or not when they disturb you. **Mr. Franco** replied from his property, he cant determine where they are, but that they must be. He stated that when the Legion went through the Zoning Commission, however, they were conditioned to only having inside bands and it has not been a problem.

Diane Seeman, 2436 Royalview Court, stated that she herself is a small business owner, but she stated that the bands are the biggest concerns. She stated that she is not opposed to music and that the new owners have been better. She stated that she is concerned with the new Bourbon bar if they are going to have additional bands and outdoor activity. She stated that they have complained and that nothing always happened. She stated she would like to see the retaining wall because maybe it would block the noise.

The public hearing was closed at **8:25 PM**

DECISION

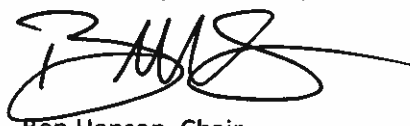
Ms. McBride moved, Mr. Elliff seconded to continue Case 1-2023 PUD, for the property of 6694 and 6700 Clough Pike, with public hearing in progress.

5 Yeas

The meeting was adjourned at 8:32 PM

The next regular meeting would be held on July 24, 2023, at 5:30 p.m. at Anderson Center.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ben Henson', with a long horizontal flourish extending to the right.

Ben Henson, Chair

**ANDERSON TOWNSHIP ZONING COMMISSION
SIGN-IN SHEET
MONDAY, JUNE 26, 2023 AT 5:30 P.M.
ANDERSON CENTER, 7850 FIVE MILE ROAD**

PLEASE PRINT - THANK YOU

NAME:	ADDRESS:
CHRIS STARKE	2675 PRATT AVE TWOFFMAN ESTS. IL 60192
Douglas Chase	6600 Corby Rd Ct. 45230
ALAN WILBY	565 WHITE POND DR. AKRON OH 44320
Robert Cooke	8503 Clough Pt
Guy Wolf	6001 STIRAP RD 45244
JANE MISIEWICZ	"
Robert Kosfeld	6983 Queensway Ln 45230
Ann Erub	" " " " -
Stephanie Sanders	2614 Montchateau Dr 45244
BRYAN SANDERS	" " " "
Robert Franco	2432 Royalview Ct
MARY M. FRANCO	" "
David Schaa	
JOE SCHMIDT	3573 SUMMIT AVE 45226
GREG STELLER	2142 CANDYMAKER DR. 45244
Greg Gottenbusch	2847 LITTLE DARRUN 45244
MICHAEL FROBILLE	1318 NACEL RD 45255
MICHAEL DOENIGS	7795 FIVE MILE RD.
KEN KREJCI	2667 MONTCHATEAU
STEVE PAYLING	2452 POND RUN AVE 45244
John Eckert	2359 MONTCHATEAU 45244
JOHN ECKERT	7479 MOUNTFORT CT 45244

